IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

DELAY CONDONATION APPLICATION NO. NIL/01
IN
GOVERNMENT APPEAL NO. 2087 of 2001

State of Uttaranchal …Appellant

Versus

Khan S/o……. R/o Vilalge Hoshiyari Mandir Mauza Raiwala P.S. Raiwala, Distt. Dehradun

…Respondent

Dated: May 03, 2007

Sri M.A. Khan, learned brief holder for the State

HON. DHARAM VEER, J.

This appeal has been preferred against the judgment and order dated 11.01.2001 passed by Additional Sessions Judge, Dehradun in S.T. No.92 of 1999, State Vs. Naseem Khan.

2. Sri M.A. Khan, brief holder appearing on behalf of the State submitted that in para 4 of the short counter affidavit filed by the state, it has been stated that the respondent has left the village since last ten years and there is no information about his residing. For this, a certificate from the Gram Pradhan has also been filed i.e. Annexure SCA-1. For this reason, learned brief holder for the State submitted that he does not want to press the delay condonation application.

3. I have also perused the delay condonation application supported by an affidavit. There is about 8 months delay in filing the present appeal. The delay has not satisfactorily been explained by sufficient cause in

the affidavit filed along with the application. Hence, the delay condonation application is dismissed.

4. Consequently, the special leave to appeal and appeal also stands dismissed.

(Dharam Veer, J.)

Rajeev Dang